

The Court therefore **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 30) and, for the reasons set forth therein, Defendants' Motion to Dismiss (Dkt. No. 26) is **GRANTED**, and Plaintiff's only remaining claim in the complaint is **DISMISSED**.

Additionally, on May 17, 2024, Plaintiff was advised that failure to file proof of service as to Defendant Issac Garza or a motion to extend time for service could result in Garza's dismissal from this case pursuant to Rule 4. (Order, Dkt. No. 18 at 2.) To date, there is nothing in the record to indicate that Plaintiff has properly served Garza or desires additional time in which to do so. Accordingly, Plaintiff's claims, if any, against Defendant Garza are **DISMISSED WITHOUT PREJUDICE** for failure to timely serve, failure to prosecute, and failure to comply with a court order. *See* FED. R. CIV. P. 4(m); FED. R. CIV. P. 41(b).

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 7 day of January, 2025.

A handwritten signature in blue ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA
United States District Judge